

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7332

VINCENT LATTANZIO,

Petitioner - Appellant,

versus

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (CA-03-169-1)

Submitted: February 28, 2005

Decided: March 22, 2005

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Vincent Lattanzio, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Vincent Lattanzio, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2241 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Lattanzio v. United States, No. CA-03-169-1 (N.D.W. Va. Aug. 3, 2004). However, we modify the district court's order to reflect that Lattanzio's claim that he has been improperly denied the ability to exchange legal correspondence with his co-defendant is dismissed without prejudice. Lattanzio's Motion to Remand to the District Court, Motion for Leave to Amend Petition and to Vacate Dismissal, motion to substitute party, and motion to appoint counsel are denied.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED